

CHARTER COMMISSION

PROPOSED AGENDA FOR JANUARY 12, 2021 MEETING

4:30 P.M. – via MICROSOFT TEAMS

A. Administrative Business

- a. Call Meeting to Order
- b. Introduction of new members
- c. Recording of Attendance
- d. Approve Minutes of November 10, 2020 meeting¹
- e. Set Order of Agenda
- f. Communications
 - Amadio E-mail relating to text amendment
 - Joint Memo from Park & Library Board
 - Memo of Jay Furst
 - Proposed Draft amendments-Library/Park Board Chapters

B. Open Comment Period:

Individuals wishing to join the meeting via Microsoft Teams may dial the number listed below. Please remember to mute your phone until asked to speak. Press *6 to mute and unmute your phone. During the public comment section, the Board Chair will ask if any individuals wish to speak.

Call in (audio only)

[+1 347-352-4853](tel:+13473524853), [430227237#](tel:+1430227237) United States, New York City

Phone Conference ID: 430 227 237#

Individuals can also submit a comment to the following e-mail address:
jhoughton@rochestermn.gov

Recap: Citizens can listen to the replay (audio only) of the meeting at the following web address: <http://rochestercitymn.igm2.com/Citizens/Default.aspx>

C. Committee Reports

- Nominating Committee update by Leigh Johnson

D. New Business

- Discuss Amadio email relating to proposed text amendment to Chapter VII, Section 7.06 relative to compensation of elected officials

¹ Draft minutes will not be included in the agenda packet.

- E. Unfinished and Deferred Business
 - Discussion of draft language amending Park/Library Board Chapters
- F. Other business - as may be brought up by members
- G. Adjourn

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From: Bari Amadio
To: Houghton, Jody
Subject: Charter Commission agenda item
Date: Thursday, December 3, 2020 3:48:15 PM

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

Hi, Jody-

I spoke with Fran and he said to contact you to have an item I want to discuss placed on the agenda. I think it's just to introduce the item and then to be discussed at a later date, so not sure where it gets placed on the agenda- new business?

The item is under Chapter VII, Section 7.06 (compensation; elected officials), subdivision 1. "The ordinance shall state that no increase in salary shall be effective until after publication". I want to propose a change to "until after publication" based on my research. I'm not sure what you will title this on the agenda, but wanted you to know what it was in reference to.

Thanks!

Bari



To: Rochester Charter Commission, Mayor Norton, Honorable Jodi Williamson
CC: Current and Incoming City Council Members
Re: Proposed Language Changes
December 1, 2020

Commission Chair Bradley, Vice Chair Eckerman and Charter Commission members,

Rochester is a growing and diverse community. Our city government and its agencies are charged with serving the citizens in all our actions. We thank you for your willingness to serve Rochester.

We, the members of the Rochester Park Board and Library Board, are concerned with changes being suggested to The Home Rule Charter, Chapters XIII and XIV. Our boards unanimously reject these proposed language changes.

We feel the changes impede the ability to best serve the community with timely actions specific to the needs and interests of the Library and Parks. That said, we recognize the charter of the City government to set overall direction and goals for the city. Continued delegation of decision powers is a) the best way to ensure good people are involved in understanding and dealing with strategic directions and specific issues and b) the best way to ensure community acceptance of decisions being made.

Both boards are comprised of diverse volunteers invested in our Rochester community. As our city continues to grow, positions of influence should reflect the many voices, cultures, and perspectives that create Rochester. The Library Board and the Park Board serve as liaisons between community members and the city in a way that elected officials cannot (at least not without an attempt to build large city staffs to mimic what the current boards do with volunteer members).

With appointed board members, not operating as a political entity, but rather as deeply engaged residents closely invested in the library and parks, we are directly influenced by the groups we represent. Dissolving board powers would centralize decision making to just City Council, minimizing opportunities residents have to influence and support our community and slowing progress. Maintaining governing boards better distributes decision making for quicker progress. In fact, both the Library Board and the Park Board feel we are held more accountable to the community, as direction can be set at a more intimate community level.

Smaller decision making groups allow more localized specific involvement. This facilitates quicker more meaningful change, more reflective of our community. Our current Governing Boards can look deeply at the details of Parks and Library in a way City Council cannot; City Council always has an exhaustive agenda. It is necessary to have the Park Board and Library Board able to make timely, well informed decisions.

For instance, look at the accomplishments of our Library Board; we have a nationally recognized library. This was not because the City Council directed the library to pursue equity and other excellence measures, but rather a small group of concerned citizens connected to the library had the ability to make decisions and generated a strategic community driven plan. Equity policies did not pass at the city level, but did in our library with direction from the Library Board. This action happened well before current social change movements and places Rochester in a far better position than would have been





done otherwise. For this and many more reasons, the Library Board needs to continue to have decision making power.

Similarly, the Park Board developed a system plan driven by community input, facilitated by staff and approved by City Council. Partnerships with neighborhoods and community groups fostered creation of pickleball courts, new tennis facilities, an improved track. In fact, the recent parks referendum which passed with 61% support in Rochester, was a collaboration between Park and Recreation staff, the Park Board and was sponsored in conjunction with the Trust for Public Land; the amount of work and partnerships associated with this project could never be done by going to council for approval each step of the process. The Park Board needs to remain a decision making board.

As you move forward with your decision, we ask, "What problems do these proposed language changes solve?" Currently, the Library Board and Park Board work closely with the City Council, city staff, stakeholders, and community members. Boards with decision making powers allow for greater efficiency, more in depth review of issues, and distribute decision making to more citizens. Operating as an advisory board slows progress and is perfunctory rather than pivotal – essentially turning the boards into a "task force for recommendations" rather than an operational body and thereby likely reducing the desire for community members to serve on these boards at all.

We strongly oppose changes to the Home Rule, Chapters XIII and XIV relating to the Library Board and the Park Board.

A handwritten signature in black ink that reads 'Erin Pagel'.

Erin Pagel, Library Board Chair

A handwritten signature in black ink that reads 'Linnea Archer'.

Linnea Archer, Park Board Chair



Jan. 6, 2021

To Charter Commission members:

Happy New Year, I hope the holiday season was a wonderful time for you, family and friends.

On behalf of the special committee that has proposed revisions in the city's Home Rule Charter regarding the Rochester Library Board and Rochester Park Board, I would like to share a few thoughts about why we're proposing these changes.

As you know, we've been discussing this issue for the better part of a year, a process that has been prolonged due to the pandemic. Early on, the city's library director and Parks and Recreation director attended a commission meeting where we discussed how the boards are organized and how their powers compare with others in Minnesota city government.

The Charter grants extraordinary powers and authority to the library board in Chapter XIII and to the park board in Chapter XIV. For example, Chapter XIII says the library board has "full possession and control" of the library building. Chapter XIV says the park board has "management and control of all the parks and parkways" in the city, and can buy and sell property. Both chapters give the boards financial and personnel authority.

There are historical reasons the boards were granted that authority to develop the public library and park system. Needless to say, however, much has changed in the 116 years since voters ratified the Charter. The park system and the public library are well-developed and among the city's greatest assets. The two departments have expansive administrative and operational capability. The city has strong and engaged executive and elected leadership.

We believe it's no longer necessary or justifiable for the library board and park board to have the extraordinary financial, real estate, and administrative powers that are outlined in the Charter. The revisions we are proposing would make the boards advisory in nature, comparable to other city boards and commissions aside from the Rochester Public Utilities board, which serves a different type of technical role in city and regional utility oversight.

The library and parks departments function more or less like other city departments, answerable to the City Administrator and the Rochester City Council. The City

Charter Commission letter.txt

Council has final authority on important decisions, thus the boards already are primarily advisory in nature. Library boards and park boards in other large Minnesota cities are advisory and not chartered with extraordinary authority.

Most important, we believe the financial, real estate and administrative powers of the boards are more properly vested in the City Council, whose members are elected and directly accountable to citizens.

These changes are not intended to diminish the valuable work of the volunteer board members, past or present. The library board and park board play a vital role in Rochester city government. We believe the changes will clarify, streamline and improve the boards' advisory functions, as well as improve logic, clarity and transparency in the Charter.

In closing, we believe this is precisely the kind of issue the Charter Commission should take up, to assure that the Charter's language is accurate and relevant, that the city is operating in accordance with the Charter, and that the Charter reflects and protects the interests of all Rochester citizens.

We're looking forward to the discussion next week.

Best wishes,

Jay Furst
Member, Rochester Charter Commission

SECTION 13.00. - (Library board established).

The common council ~~shall~~ may establish and maintain ~~within the city~~ public libraries and reading rooms ~~within the city~~. There shall be a library board consisting of nine directors to be appointed by the mayor with the approval of the common council on or before the second Wednesday of January in each year. The mayor may appoint one or more directors who are not residents of the city but who reside in Olmsted County. A director shall hold office for a term of three years, from the second Wednesday in January in the year of appointment, or until a successor is appointed. A director is subject to removal for cause by the mayor with the consent of the common council. The common council, through its appointment process, shall appoint a non-voting member to the board. The county board, through its appointment process, shall appoint a non-voting member to the board.

SECTION 13.01. - (Oath).

Each person so appointed a director of the library board shall file a written oath and acceptance with the city clerk before entering upon the discharge of the duties of the office.

SECTION 13.02. - (Vacancy).

A vacancy in the board of directors of the library board occasioned by removal, resignation or otherwise, shall be reported to the mayor and common council, and the unexpired term shall be filled in like manner as an original appointment.

SECTION 13.03. - (Powers of board).

Subd. 1. Said directors shall, immediately after the annual appointment, meet and organize, by the election of one of their number, president, and another of their number secretary, and by the election of such other officers as they may deem necessary. ~~They shall take charge of, and have full possession and control of the present library building and the premises on which it is located, also the library and free reading rooms in said city as now established.~~ They shall make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the library and reading rooms, or either of them as may be expedient and not inconsistent with this charter. They shall advise the common council and library director ~~have the exclusive control of the~~ on the expenditure of all moneys collected and placed to the credit of the library fund; ~~or of the~~ on construction or repair of any library building; ~~and of the~~ on supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose; and on general management and operational issues related to the library provided that all moneys received for such library shall be deposited in the treasury of the city to the credit of the library fund, and it shall be kept separate and apart from other money of the city, and shall be paid out only upon the properly authenticated vouchers of the library board.

Subd. 2. Said board shall have power to lease and provide appropriate rooms for the use of said library.

~~The board may appoint, employ and remove a library director subject to any employment procedures established by this charter or the common council. The board shall conduct the director's annual performance evaluation and establish the director's compensation consistent with the council approved~~

~~compensation parameters. The city administrator with consultation with the library board shall conduct the hiring, removal and performance review and recommend compensation for the library director. The board may delegate the performance review and compensation setting authority to the city administrator if it deems appropriate.~~ The Library Director shall employ and remove such other employees as are authorized by the common council to perform the functions of the department. These other employees are subject to all employment policies and procedures established by the charter or the common council. It shall in general carry out the spirit and intent of the provisions of this charter relating to such library board.

~~Subd. 3. Said board, with the consent of the common council, expressed by resolution or ordinance, may accept any conveyance, gift, grant, donation, devise, or bequest for library purposes, or for the establishment, maintenance or enlargement of an art gallery, or museum in connection with such library, which may be given, granted, conveyed, donated, devised, or bequeathed by any person, company, or corporation to said city for Library purposes, and may enter into any agreement with any such person, company or corporation or with their legal representatives, affecting such gift, grant, donation bequest or devise as may be proposed or imposed concerning the same, subject, however, to the limitations herein contained, and any such agreement shall have the full and binding effect of a contract between such person, company or corporation and the city.~~

SECTION 13.04. - (Property acquired).

Said board shall advise the common council on the purchase of property and construction of buildings for said library ~~have the power, when approved by the common council, to purchase ground and erect thereon other suitable buildings for the use of said library.~~ Any and all property given, granted, conveyed, donated, devised or bequeathed to, and any and all property purchased or acquired by the City of Rochester, for the purpose of a library or reading rooms, shall vest in and be held in the name of the City of Rochester, and any conveyance, grant, donation, devise, bequest or gift made to the library board, shall be deemed and considered as having been made directly to the City of Rochester for libraries and reading rooms.

SECTION 13.05. - (Report required).

Said board ~~of directors~~ shall provide an annual report to the common council, stating the value ~~amount~~ of contributions received during the preceding calendar year from taxes and all other sources, the amount expended and for what purposes, the number of items on hand, the number purchased, the number loaned, and such other information as it may deem of interest.

SECTION 13.06. - (Library facilities free).

The library and reading rooms established under the provisions of this charter shall be free forever to the use of the inhabitants of the City of Rochester, subject to such reasonable rules and regulations as the library board may adopt.

SECTION 13.07 The members of such board shall receive no compensation for services, but may be reimbursed for actual expenses incurred in the discharge of their duties.

CHAPTER XIV. - PARK BOARD

SECTION 14.00. - (Park board established).

There shall be a board of park commissioners of the City of Rochester, to consist of one member from each ward and one member at large, appointed by the mayor and confirmed by the common council. They shall be residents of the city. Each shall hold office for four years. A park commissioner shall be appointed from each odd numbered ward on the second Monday in June in each odd numbered year in which the previous term has expired, and a park commissioner shall be appointed from each even numbered ward on the second Monday in June in each even numbered year in which the previous term has expired. The park commissioner at large shall be appointed on the second Monday in June in each odd numbered year in which the previous term has expired. The commissioners are subject to removal for cause by the mayor with the consent of the common council. When a vacancy exists for whatever reason, the mayor shall appoint a commissioner, subject to common council confirmation, to complete the unexpired term. The common council, through its appointment process, shall appoint a non-voting member to the board.

SECTION 14.01. - (Organization).

Each person so appointed shall file a written oath and acceptance with the city clerk before entering upon the discharge of the duties of the office. The park commissioner at large shall, by virtue of that office, be the president of the said board. They shall, ~~as soon as this charter takes effect,~~ choose from the members thereof a secretary, and at the first meeting thereof in June in each year thereafter, the members shall again so elect a secretary. ~~The board may appoint, employ and remove a director of parks and recreation subject to any employment procedures as may be established by this charter or the common council. The board shall conduct the director's annual performance evaluation and establish the director's compensation consistent with the council approved compensation parameters. The city administrator with consultation with the park board, shall conduct the hiring, removal, performance review and recommend compensation for the director of parks and recreation.~~ The director shall employ and remove such other employees as are authorized by the common council to perform the functions of the department. These other employees are subject to all employment policies and procedures established by the charter or the common council.

SECTION 14.02. - (General powers).

The said board shall advise and make recommendations to the director of parks and recreation and common council on management and budget for operation ~~have management and control of all parks and parkways in of the city. They # shall advise on direct all expenditures from park funds for the maintenance and improvements of parks and parkways and shall have power to provide, either directly or be lease of privileges, such conveniences, accommodations and entertainments as such board may deem proper make recommendations as~~ it may deem proper for the use, enjoyment and recreation of visitors to such parks.

SECTION 14.03. - (Auditorium).

Municipal auditoriums and park and recreation facilities incident thereto as defined by the common council that are located in city parks shall be under the management and control of the common

council, or such person or board, whether then existing or established for this purpose, as the common council may designate.

SECTION 14.04. - (Land acquisitions; gifts).

The city may from time to time acquire lands for parks and parkways, within or without the corporate limits, in the manner provided in this charter. Lands may be so acquired in the name of the city by gift, devise, purchase or condemnation, and, upon obtaining title thereto, said board may assume possession thereof. Said board also may accept on behalf of the city bequests of donations of money or property for the use of the city, for purposes connected with the parks and parkways. Any acquisition must be approved by the common council.

SECTION 14.05. - (Land acquisitions; other).

When the board of park commissioners shall deem it to be in the public interest that any tract or tracts, parcel or parcels of land shall be condemned for use of the city for any public park or parkway, or the extension of any park or parkway within or without the limits of the city, and shall so determine by resolution signed by at least three of their number they shall present the same to the common council. The common council shall thereupon have power, upon the application of such board of park commissioners, to acquire all necessary lands for park purposes, either by purchase or condemnation. In case it shall be deemed necessary to take private property for any of the purposes herein stated, the common council may condemn such property in the same manner herein provided, or as provided by law, for the condemnation of property in the laying out, opening and widening of public streets, highways and alleys; provided, it shall not have power to take by condemnation for park purposes any portion of any public or private cemetery.

SECTION 14.06. - (Finances).

The board of park commissioners shall not in any fiscal year, create any obligation or spend any money upon parks or parkways other than the amount levied and appropriated therefore by the common council, or otherwise donated or appropriated for such use. ~~The president of such board shall audit all bills and accounts created by it, or by its superintendent, before they shall be allowed by the common council. The president shall not audit any bills or accounts, unless there is money in the city treasury belonging to the proper fund to pay such bills and accounts.~~

SECTION 14.07. - (Compensation prohibited).

The members of such board shall receive no compensation for services, but may ~~shall~~ be reimbursed for actual expenses incurred in the discharge of their duties.

SECTION 14.08. - (Expenditures, parkways).

The board of park commissioners shall have authority to expend money out of the park fund upon the boulevards of the city, when the same have been designated as such by the common council, for the purpose of improving and beautifying the same and for boulevarding the sides of such streets as are designated as boulevards, also for the purpose of planting trees on streets, but shall not otherwise have or exercise any jurisdiction or control over the same, or any part thereof.